

302 KAR 10:040. License refusal, revocation or suspension.

RELATES TO: KRS 260.580

STATUTORY AUTHORITY: KRS 260.580

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation prescribes the grounds for refusal, revocation, or suspension of a license and for placing licensee on a probationary period.

Section 1. Refusal to Grant License. (1) An application for a license may be denied where the applicant has previously failed to comply with the egg marketing law as provided in KRS Chapter 260 and there is reason to believe that he will continue to refuse to comply with the law. The application may also be denied where there is reason to believe that the applicant will not comply with the law.

(2)(a) Any party whose application for a license has been denied may appeal the denial to a hearing committee who, after hearing all relevant evidence, will make a finding concerning the denial of the license.

(b) The applicant may appeal this finding to the commissioner, who shall make the final determination.

Section 2. Revocation of Licenses. (1) When a licensee is found by an inspector to have sold eggs or have eggs on hand for sale which have not been candled, or which are of a lower grade than labeled, or has failed to preserve the grade and quality of eggs for sale, or has sold, or offered or exposed for sale, or has in his possession for sale for human consumption eggs that are inedible; then the inspector may recommend to the department that the licensee's license be revoked.

(2) The licensee may be ordered to present himself before a hearing committee appointed by the commissioner on a certain day to show cause why his egg license should not be revoked where revocation has been recommended or where the licensee's license has been suspended or he has been placed on probation.

Section 3. Suspension of Licenses. (1) When a licensee is found by an inspector to have sold or have eggs on hand for sale which have not been candled, or which are of a lower grade than labeled, or have sold or offered eggs for sale which have not been handled in such a manner as to maintain and preserve the quality and grade in which they were sold or offered for sale, or to have sold, offered or exposed for sale, or have in his possession for sale, for human consumption, eggs that are inedible, then the inspector may suspend the egg license of the licensee for a period not to exceed five (5) days. The inspector will notify the suspended party of his administrative appellate rights. The inspector will also immediately notify the department of his action.

(2) A formal suspension order shall be forwarded to the suspended party showing the reason for the suspension; the number of days suspended, which may be for a greater or lesser period than originally set by the inspector.

Section 4. Probationary Period. (1) When a licensee is found by an inspector to have sold or have eggs on hand for sale which have not been candled, or which are of a lower grade than labeled, or to have sold or offered for sale eggs which have not been handled in such a manner as to maintain and preserve the quality and grade in which they were sold or offered for sale, or have in his possession for sale, for human consumption, eggs that are inedible, then the inspector may place the licensee on probation for a period not to exceed ten (10) days. The inspector will notify the licensee of the probation and inform him that unless he takes necessary corrective measures within this period, then his license will be suspended or revoked. The inspector will immediately notify the department of his action.

(2) A formal probation order shall be forwarded to the party placed on probation showing the reason for the probation; the number of days of the probationary period, which may be for a greater or lesser period than that originally set by the inspector. (Agr: Egg:Li20, 30, 40, 50; 1 Ky.R. 735; eff. 5-14-75.)